

**GROUNDWATER RECHARGE PROTECTION
ORDINANCE
FOR
AUGUSTA, GEORGIA**

Development Document #12

Augusta-Richmond County, Georgia

January 1999

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 8 OF THE AUGUSTA-RICHMOND COUNTY CODE SO AS TO ADD A NEW CHAPTER 6 ENTITLED "GROUNDWATER RECHARGE AREA PROTECTION"; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE AUGUSTA-RICHMOND COUNTY COMMISSION AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME AS FOLLOWS:

Section 1. The Augusta-Richmond County Code, Title 8, is hereby amended by

adding a new Chapter 6 as follows:

CHAPTER 6

GROUNDWATER RECHARGE PROTECTION

§ 8-6-1. AUTHORITY.

The Official Code of Georgia Annotated § 12-2-8 requires that certain

minimum standards shall be adopted by local governments to protect groundwater

recharge areas. This Ordinance conforms to these minimum standards and also the

minimum standards of Chapter 391-3-316, Rules for Environmental Planning Criteria,

Georgia Department of Natural Resources Environmental Planning Division.

§ 8-6-2 SHORT TITLE

This Ordinance shall be known as the Groundwater Recharge Area

Protection Ordinance of Augusta, Georgia.

§ 8-6-3 PURPOSE

In order to provide for the health, safety and welfare of the public and a

healthy economic climate within Augusta, Georgia and surrounding communities, it is

essential that the quality of public drinking water be ensured. For this reason, it is

necessary to protect the subsurface water resources that Augusta, Georgia and

surrounding communities rely on as sources of public water. Groundwater resources are

contained within aquifers, which are permeable, rock strata occupying vast regions of

subsurface. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

§ 8-6-4 OBJECTIVES

The objectives of this ordinance are:

- a. **Protect groundwater quality by restricting land uses that generate, use or store dangerous pollutants in recharge areas;**
- b. **Protect groundwater quality by limiting density of development; and**

- c. **Protect groundwater quality by ensuring that any development that**

occurs within the recharge area shall have no adverse effect on groundwater quality.;

§ 8-6-5 ESTABLISHMENT OF A GROUNDWATER RECHARGE AREA

DISTRICT.

A Groundwater Recharge Area District is hereby established which shall

correspond to all lands within the jurisdiction of Augusta, Georgia except for those lands

which lie to the east of the Center of Georgia Railroad as shown on the map of Most

Significant Groundwater Recharge Areas of Georgia.

§ 8-6-6 DETERMINATION OF POLLUTION SUSCEPTIBILITY.

Each recharge area shall be determined to have a pollution susceptibility

of high, medium, or low, based on the Georgia Pollution Susceptibility Map prepared by

the Georgia Department of Natural Resources.

§ 8-6-7 PERMIT REQUIREMENTS, ADMINISTRATION, AND

ENFORCEMENT.

Within the Groundwater Recharge Area District, no building permit, site

plan or subdivision plan will be approved by Augusta, Georgia unless the permit or plan

is in compliance with the groundwater protection standards listed in § 8-6-11,

§ 8-6-8 PERMIT REQUIREMENT

A building permit or a development permit within the Groundwater

Recharge Area District shall not be issued until a site plan or subdivision plat, whichever

is appropriate, has been reviewed and approved which illustrates compliance with the

Groundwater Recharge Area Protection Ordinance. The requirements for site plans are to

be found in the Site Plan Regulations for Augusta, Georgia, and the requirements for

subdivision plats are to be found in the Subdivision Regulations for Augusta, Georgia.

Those construction of development projects which are exempted under the Site Plan

Regulations are likewise exempted form the requirements of this Ordinance.

§ 8-6-9 ADMINISTRATION

The Executive Director of the Augusta-Richmond County Planning

Commission is hereby designated as the administrator for this ordinance.

§ 8-6-10 ENFORCEMENT

- a. **Augusta, Georgia, its agents, officers and employees shall have**

authority to enter upon privately owned land for the purpose of performing their duties

under this ordinance and may take or cause to be made such examinations, surveys or

sampling as Augusta, Georgia deems necessary. The Director of Public Works shall have

authority to enforce this ordinance and address violations or threatened violations hereof

by issuance of violation notices administrative orders and civil and criminal actions. All

costs, fees and expenses in connection with such

actions may be recovered as damages

against the violator.

- b. Law enforcement officials or other officials having police powers**

shall have authority to assist the Director of Public Works in enforcement.

- c. Any person who commits, takes part in or assists in any violation of**

any provision of this Ordinance shall be fined not more than \$500 for each offense. Each

violation shall be a separate offense and, in the case of continuing violation, each day's

continuance shall be deemed to be a separate and distinct offense.

- d. The Director of Public Works shall have the authority to issue cease**

and desist orders in the event of any violation of this Ordinance. Cease and desist orders

may be appealed to a court of competent jurisdiction, as identified in § 8-6-12.

- e. When a building or other structure has been constructed in violation of**

this Ordinance, the violator shall be required to remove the structure.

- f. When removal of vegetative cover, excavation or fill has taken place**

in violation of this Ordinance, the violator shall be required to restore the affected land to

its original contours and to restore vegetation, as far as practicable.

§ 8-6-11 GROUNDWATER PROTECTION STANDARDS

Within the Groundwater Recharge Area District, the following minimum

standards shall apply:

- a. Waste Disposal Facilities. All new waste disposal facilities must**

have synthetic liners and leachate collection systems.

- b. Agricultural Impoundments. New agricultural impoundments shall**

meet the following requirements:

- a. For areas of high susceptibility, a liner shall be provided**

that is approved by the U. S. Soil Conservation Service (SCS).

(ii) For areas of medium susceptibility, an SCS-approved liner

shall be provided if the site exceeds 15 acre feet.

- a. Land Disposal. No land disposal of hazardous waste shall be**

permitted within any Significant Groundwater Recharge Area.

- b. Spill and Leak Protection. For all Significant Groundwater Recharge**

Areas, the handling, storage and disposal of hazardous materials shall take place on an

impermeable surface having spill and leak protection approved by the Georgia

Department of Natural Resources, Environmental

Protection Division (EPD).

- c. Secondary Containment. For all Significant Groundwater Recharge**

Areas, new above-ground chemical or petroleum storage tanks larger than 660 gallons

must have secondary containment for 110 percent of tank volume or 110 percent of the

largest tanks in a cluster of tanks.

- d. Wastewater Basins. For High Pollution Susceptibility Areas, new**

waster-water treatment basins shall be an impermeable liner approved by EPD.

- e. Stormwater Basins. For High Pollution Susceptibility Areas, no new**

stormwater infiltration basins may be constructed.

f. Wastewater Spray and Sludge Operation. For High Pollution

Susceptibility Areas, wastewater spray irrigation systems or the land spreading of

wastewater sludge shall be practiced in accordance with Department of Natural

Resources criteria for slow rate land treatment. An application for a development permit

for activities involving wastewater spray irrigation or land spreading of wastewater

sludge must be accompanied by proof that the applicant has received a Land Application

System permit from EPD.

g. Minimum Lot Sizes and Septic Systems. New homes served by septic

tank/drain systems shall conform to minimum lot size requirements identified in Tables

1-3 below. (Note: No construction may proceed on a building permit or mobile home to

be served by a septic tank without approval of the proposed septic system by the

Richmond County Health Department). The following shall be exempted from all

provisions of this Ordinance related to lot size:

- a. Lots which are included on
an "Overall Concept Plan"
per**

**Section 104.3 of the
Subdivision Regulations, or
a "Sketch Plan" per Section
200.1 of the**

**Subdivision Regulations
and submitted prior to 5:00
p.m. on the date of adoption
of this**

Ordinance; and

- b. Lots which are included on a "Development Plan" per Article

III of the Subdivision Regulations and submitted prior to 5:00 p.m. on December 31,

1998; and

- c. "Lots of record" (as defined herein) prior to 5:00 p.m. on

December 31, 1998.

TABLE 1: Minimum Lot Size Requirements. Source: DHR Manual for On-Site

Sewerage Management Systems.

Pollution Susceptibility	New Homes Served by Septic Systems	New Mobile Homes Served by Septic Systems
High	150% of minimum lot sizes specified in Table 2	150% of minimum lot sizes specified in Table 3
Medium	125% of minimum lot sizes specified in Table 2	125% of minimum lot sizes specified in Table 3
Low	110% of minimum lot sizes specified in Table 2	110% of minimum lot sizes specified in Table 3

TABLE 2. Single Family Home Minimum Lot Size where served by On-Site Septic

Tank Systems. Source: [DHR Manual for On-Site Sewerage Management Systems](#).

SOIL GROUP (SEE APPENDIX)

SLOPE OF LOT (%)	1	2	3	4	5
		MINIMUM	LOT SIZE	SQUARE	FEET
0-5	30000	390000	48000	51000	60000
5-15	33000	42000	51000	54000	66000
15-25	36000	45000	54000	57000	N/A
25-35	39000	48000	57000	60000	N/A

TABLE 3. Mobile Home Parks Lot Size where served by On-Site Septic Tank Systems.

Source: DHR Manual for On-Site Sewerage Management Systems.

SOIL GROUP (SEE APENDIX)

SLOPE OF LOT (%)	1	2	3	4	5
		MINIMUM	LOT SIZE	SQUARE	FEET
0-5	10000	13000	16000	17000	20000
5-15	11000	14000	17000	18000	22000
15-25	15000	18000	18000	19000	N/A
25-35	13000	16000	19000	20000	N/A

§ 8-6-12 JUDICIAL REVIEW.

- a. **Jurisdiction.** All final decision of Augusta, Georgia concerning detail,

approval or conditional approval of a permit shall be reviewable by appeal to the Superior

Court of Richmond County. The procedure for said appeal shall be the same as an appeal

to the Superior Court from any decision made by the Probate Court as provided by the

laws of Georgia, except that said appeal shall be filed within thirty (30) days from the

date of the decision of denial, approval or conditional approval; and upon failure to file

said appeal within thirty (30) days, the decision of denial, approval or conditional

approval shall be final.

- b. Alternative Actions. Based on these proceedings and the decision of**

the court, Augusta, may within a time specified by the court, elect to:

- a. Institute negotiated purchase or condemnation proceedings to

acquire an easement or fee interest in the applicant's land;

- (ii) Approve the permit application with lesser restrictions or

conditions (i.e., grant a variance); or

- (iii) Institute other appropriate actions ordered by the court that

fall within the jurisdiction of Augusta, Georgia.

§ 8-6-13 AMENDMENTS

These regulations may, from time to time, be amended in accordance with

procedures and requirements in the general statutes and as new information becomes

available.

§ 8-6-14 ASSESSMENT RELIEF.

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

§ 8-6-15 SEPARABILITY AND ABROGATION.

All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared

by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this ordinance.

§ 8-6-16 DEFINITIONS

- a. **Aquifer – Any stratum (rock layer) or zone of rock beneath the surface**

of the earth capable of containing or producing water from a well. (Note: This is the

same definition used in the Groundwater Use Act).

- b. **Groundwater Recharge Area (synonymous with Aquifer Recharge**

Area) – An area of the Earth's surface where water infiltrates the ground, thereby

replenishing the groundwater supplies within an aquifer.

- c. **Lot of Record – A parcel of land the dimensions of which are shown**

on a map on file with the Clerk of Superior Court of Richmond County, Georgia, or in

common use by county officials, and which actually exists as so shown, or any part of

such parcel held in a recorded ownership separate from the ownership of the remainder

thereof.

- d. **Pollution Susceptibility – The relative vulnerability of groundwater**

to pollution from chemical spills, leaching of pollutants from dump sites, animal waste

from agricultural operations or pollution generated by other human activities.

- e. **Pollution Susceptibility Map (s) – Maps prepared by the Georgia**

Department of Natural Resources (DNR) that show the relative susceptibility of

groundwater to pollution. Pollution susceptibility maps categorize the land areas of the

State into areas of high, medium and low groundwater pollution potential. These maps

are available at the office of the Augusta-Richmond County Planning Commission.

- f. Significant Groundwater Recharge Areas – Areas mapped by DNR in**

Hydrologic Atlas 18 (1989 Edition). Mapping of recharge areas is based on outcrop

area, lithology (chemical nature and form of the rock), soil type and thickness, slope,

density of lithologic contacts, geologic structure, presence of "karst" topography

(sinkholes, caves and fissures associated with limestone and other carbonate rocks),

and

potentiometric surfaces. These maps are available at the office of the Augusta-Richmond

County Planning Commission.

Section 2. This Ordinance shall become effective on January 1, 1999,

except that certain provisions related to lot size (Section 5.9) shall become effective

immediately upon adoption.

Section 3. All Ordinances or parts of ordinances in conflict with this

ordinance are hereby repealed.

Duly adopted this 6 day of October, 1998, and this 20 day of October, 1998.

Mayor

Attest

-